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5 Attorneys for Defendant
6 HURON CONSULTING SERVICES LLC
7 (ERRONEOUSLY SUED HEREIN AS HURON
CONSULTING GORUP, INC.)

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 PHILLIP PELLERIN,

Case No. CV10-01922 (LHK)

12 Plaintiff,

**STIPULATION AND ORDER
CONTINUING RESPONSIVE PLEADING
DEADLINE**

13 v.

14 HURON CONSULTING SERVICES
15 LLC, and DOES 1 through 50, inclusive,

16 Defendant.

17
18 Pursuant to Federal Rules of Evidence 15(a)(3) and 16(b)(4), Plaintiff Phillip Pellerin
19 and Defendant Huron Consulting Services hereby stipulate and agree as follows:

20
21 WHEREAS, Plaintiff filed an Amended Complaint on October 25, 2010, which
22 Defendant contends is subject to dismissal on several grounds;

23
24 WHEREAS, Plaintiff and Defendant have agreed that it is in the interest of both
25 parties to conserve both the Parties' and the Court's resources and attempt to resolve the matter
26 through early Early Neutral Evaluation/Mediation;

27
28 WHEREAS, the Parties accordingly agree to submit to ENE/Mediation prior to
STIP & ORDER CONTINUING RESPONSIVE
PLEADING DEADLINE
(NO. CV10-01922 (LHK))

1 conducting any written or deposition discovery;

2

3 WHEREAS, in a further effort to conserve resources, the Parties agree that initial
4 disclosures will be due thirty (30) days after any hearing scheduled on any responsive pleading filed
5 by Defendant following the ENE/Mediation;

6

7 WHEREAS, the Parties agree that Defendant's corporate representative may appear,
8 if necessary to appear at the ENE/Mediation, by telephone;

9

10 WHEREAS, the Parties agree that Defendant shall have until thirty (30) days after the
11 conclusion of any scheduled ENE/Mediation session, if unsuccessful in resolving the action, to file a
12 responsive pleading to Plaintiff's Amended Complaint;

13

14 WHEREAS, Plaintiff agrees that by Defendant agreeing to submit all claims currently
15 listed in the Amended Complaint to early ENE/Mediation, Defendant is not and does not waive any
16 rights to raise or assert any arguments in any responsive pleading filed following the
17 ENE/Mediation, or any subsequently filed motion in this matter, which Defendant would or could
18 have raised had it responded to the Amended Complaint prior to participating in an ENE/Mediation
19 session;

20

21 WHEREAS, the Parties agree that by delaying discovery until after an
22 ENE/Mediation session, neither party is waiving its rights to conduct any form or type of discovery
23 that is allowed by the FRCP, or which has otherwise been agreed to by the Parties; and

24

25 WHEREAS, the Parties have not previously requested any modifications to the
26 scheduling order.

NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE,
and based on the foregoing circumstances, request that the Court establish the following modified
deadlines:

- Parties to complete ENE/Mediation by January 28, 2010;
- Parties to return for further Case Management Conference on February 2, 2010;
- Defendant to file a responsive pleading to the Amended Complaint within thirty (30) days of completion of the ENE/Mediation;
- Parties to exchange initial disclosures thirty (30) days after any hearing scheduled on any responsive pleading filed by Defendant following the ENE/Mediation or, if no hearing scheduled, thirty (30) days after the filing of an answer by Defendant.

Dated: November 5, 2010

SUZANNE R. NESTOR
LITTLER MENDELSON, APC
Attorneys for Defendant HURON CONSULTING
SERVICES LLC

Dated: November 3, 2010

STEVEN P. COHN, ESQ.
ADVOCACY CENTER FOR EMPLOYMENT LAW
Attorney for Plaintiff PHILLIP PELLERIN

GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED. The parties are encouraged to complete ENE/Mediation as far in advance of the January 28, 2010 deadline as possible. If the case settles, the parties shall promptly file a stipulation of dismissal.

Dated: November 12, 2010

LUCY H. BISH
United States District Judge